

**REMARKS**

The May 16, 2007 Office Action regarding the above-identified application has been carefully considered; and the claim amendments above together with the remarks that follow are presented in a bona fide effort to respond thereto and address all issues raised in that Action. The original claims have been replaced with new claims 46-87, to more clearly distinguish over art applied in the rejections set forth in the Office Action. Care has been taken to avoid entry of new matter. An Information Disclosure Statement is submitted herewith, citing three items for the Examiner's consideration. For reasons discussed below, it is believed that this case is in condition for allowance. Prompt favorable reconsideration of this amended application is requested.

**Summary of the Action**

At the time of the Office Action, claims 1-45 were pending.

The Office Action included a rejection of claims 1-9, 12-26 and 28-39 under 35 U.S.C. § 102(b) as anticipated by US patent no. 6,781,575 to Hawkins et al. (hereinafter Hawkins). The detailed explanation of this first rejection also addressed claims 42-45 (Office Action, page 5 and page 9). Hence, the anticipation rejection apparently applied to claims 1-9, 12-26 and 28-39 as well as to claims 42-45.

As a procedural matter, it is noted that the August 24, 2004 issue date of Hawkins is later than the March 8, 2004 filing date of this application, which means that Hawkins is not prior art against this application in the manner required under 35 U.S.C. § 102(b). However, the September 21, 2000 filing date of Hawkins is earlier, therefore, perhaps it was intended that Hawkins be applied under 35 U.S.C. § 102(e).

Claims 10, 11, 26, 27, 40 and 41 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hawkins in combination with US patent no. 5,477,262 to Banker et al. (hereinafter Banker).

### **The Application**

As background before discussing the patentable subject matter of the new claims, it may be helpful to consider that this application discloses a user interface for a mobile device, which provides a multi-level menu structure and dynamic assignment of functions to physical keys of the device keypad and attendant displays of the assigned functions on a portion of a menu or other screen display. The display and keypad are two separate physical elements of the mobile/cellular device (see application FIGS. 1a to 1b). An initial screen concurrently displays two menu levels, a first level for functional groupings and a second level menu of choices under a selected one of the functional groupings. In FIGS. 4a to 4c, for example, the display shows the functional groupings in first level menu 220. Depending on the selected grouping, the part of the display screen below menu 220 shows the appropriate choices under the respective second level menu. Upon cursor control and selection of a choice from the second level menu, the device displays a second screen. In the second screen (and in the first screen in the examples), a portion of the displayed screen shows functions dynamically assigned to one or more of the keys of the keypad. FIGS. 5a to 8 show examples of second screen displays. Each of these screens includes an area containing information related to the selected choice, such as a dialog input box 310 in FIG. 5a or various third level menus. Each second screen display also includes a key assignment area 210, showing functions dynamically assigned to one or more keys of the device keypad. Activation of a key causes the device to perform the currently assigned/displayed function.

**The New Claims are Novel and Patentable**

New claims 46-87 are presented above to clearly distinguish inventive subject matter over Hawkins alone or in combination with Banks. The independent claims are claims 46, 60 and 74. Independent claims 46, 60 and 74 essentially replace original claims 1, 17 and 31, although the 'interface' format of claim 17 has been changed to a more conventional style program product (manufacture comprising a memory and a program) in claim 60, as supported by page 9, lines 15-20. The display steps/functions of the new claims correspond to the displays and flow chart steps illustrated in the application drawings. Each of the independent claims recites a step or function relating to performing the dynamically assigned function associated with the selected choice, on the cellularly communicative device, upon user activation of the one key during the display of the second screen. The original specification teaches that different functions are performed in response to user activation of one or more keys to which different functions have been dynamically assigned as shown on the display (see e.g. paragraph beginning on line 17 of page 12).

Each of the new independent claims clearly recites a display and keypad on the device. The keypad includes a plurality of keys. As such, the display and keypad are separate elements of the device. Each new independent claim also provides a more specific recitation of the portions on the display screens, showing two menu levels on the first screen and showing a first area (generic) and a key assignment area on the second screen. For example, in application FIG. 4a, the display shows the functional groupings of the first level menu on an area 220 of the displayed first screen. In that example, the display concurrently shows a second level menu of choices for user selection from within a selected one of the functional groupings of the first level menu, on a second area of the displayed first screen (title bar 240 and second menu level 260). It

is respectfully submitted that Hawkins does not satisfy the claim recitations on these points, and that the addition of Banks would not lead to a combination that satisfies the claim recitations on these points.

Hawkins discloses a technique for managing speed dialing lists in a mobile device. At various menu levels (e.g. FIGS. 5-8), the device displays speed dial “pages” on a touch sensitive screen. Each speed dial page has an arrangement of speed dial buttons, and each speed dial button can be assigned a label, that is displayed on or adjacent the button. Attention, for example, may be directed to Hawkins’ abstract. Of note, Hawkins presents a “virtual” button in a location on the display that can be activated via the touch sensitive screen to cause the device to perform an associated function. However, it is submitted that Hawkins does not dynamically assign a function to a key of a physical keypad of the mobile device, that is to say to a key on a keypad that is separate and in addition to the display itself, as required by each of the new independent claims.

Also, it is submitted that Hawkins really only discloses nested menu displays, i.e. selection of a choice in one menu only leads to a working area display or display of a further menu under the choice from the first menu. Attention, for example, may be directed to FIGS. 9A to 9D of Hawkins. As such, Hawkins does not concurrently display first and second level menus in one display screen, as clearly required by the new independent claims.

Hence, Hawkins does not satisfy all requirements of any of the new independent claims 46, 60 and 74 and as a result does not anticipate any of claims 46-87. Claims 46-87 therefore are novel, and the anticipation rejection should be overcome.

Banker is cited only for secondary features, such as inclusion of a device services functional grouping on the first level menu or inclusion of a for-pay service choice on the second

level menu. Addition of such features to Hawkins would still result in a display of virtual keys on the touch sensitive display, for the dynamic function assignment, and would still result in only nested displays (both from Hawkins). Hence, the combination of Hawkins and Baker (like Hawkins alone) would not satisfy claim requirements for dynamic key assignment and display where the key is on a keypad separate and in addition to the display or the requirements for concurrent display on the first screen of the first level menu of functional groupings and the second level menu of choices under one of the functional groupings.

Hence, the combination of Hawkins and Banker does not satisfy all requirements of any of the new independent claims 46, 60 and 74 and as a result does not render any of claims 46-87 unpatentable in the sense of 35 U.S.C § 103(a). Claims 46-87 therefore are patentable, and the 103 rejection should be overcome.

Upon entry of the above claim amendments, claims 46-87 are active in this application, all of which should be novel and patentable over the art applied in the Action. Applicants therefore submit that all of the claims are in condition for allowance. Accordingly, this case should now be ready to pass to issue; and Applicants respectfully request a prompt favorable reconsideration of this matter.

It is believed that this response addresses all issues raised in the May 16, 2007 Office Action. However, if any further issue should arise that may be addressed in an interview or by an Examiner's amendment, it is requested that the Examiner telephone Applicants' representative at the number shown below.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of

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this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Keith E. George". The signature is fluid and cursive, with the first name "Keith" being more prominent.

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